

FARMINGTON CITY COUNCIL MEETING

Tuesday, June 16, 2009

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Pro Tem Richard Dutson, Council Members David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, Finance Director Keith Johnson, Planning Director David Petersen, and Recording Secretary Kami Mahan. Assistant Planning Director Glenn Symes arrived later in the meeting. CenterCal Traffic Engineer Ryan Hales was also present.

Mayor Pro Tem Rick Dutson began discussion at 5:36 p.m. **Max Forbush** offered the invocation. The following items were reviewed:

Copies of the amended Redevelopment Agency meeting agenda were distributed and it was explained that Ron Martinez has concerns he may express at the RDA meeting. **Keith Johnson** distributed copies of the updated RDA budget and the changes were briefly reviewed. The fund balance is \$57,349.

The order of items in the evening's agenda was discussed.

(Agenda Item #2): Approval of Minutes -

The Council reviewed the minutes of the June 2, 2009, City Council meeting and made minor corrections.

(Agenda Item #4): Consideration of Ordinance amending 8-1-107 pertaining to the Cemetery Perpetual Care Fund.

Rick Dutson briefly reviewed this item. **Max Forbush** said there has been no definition of which fund cemetery revenues are deposited into, but by practice they have gone into the General Fund. He referred to Exhibit A of Agenda Item #5 (Cemetery Portion of General Fund Parks Expenditures), and explained how these numbers were determined. He said Title 8 is being amended to allow using those funds, including interest, in the General Fund. **Mr. Forbush** said he and Keith Johnson had spoken with auditors and attorneys, and the ordinance is being amended to implement this change.

(Agenda Item #5): Public Hearing: Consideration of a Resolution authorizing reimbursement from the City's Perpetual Care Fund to the City's General Fund for operational costs of the Farmington Cemetery.

It was explained that if cemetery funds are transferred from the Perpetual Care Fund to the General Fund, there is still \$174,000 left in the Perpetual Care Fund. **David Petersen** reported that a representative from Russon Brothers Mortuary explained to him how a cemetery can be more profitable than a municipal golf course, and he said this matter will be addressed at a later time.

(Agenda Item #6): Public Hearing: Consideration of a Resolution amending the Municipal Budget for Fiscal Year ending June 30, 2009; Adopting the Municipal Budget for Fiscal Year ending June 30, 2010; Adopting a Compensation Schedule for City Officials and Employees; and adopting a proposed Property Tax Levy for Fiscal Year ending June 30, 2010.

Keith Johnson distributed copies of the updated budget proposals and explained the changes which were summarized in the handouts. He said revenues are up and expenditures are basically the same. The balance is \$671,000. **Mr. Johnson** said the only thing to be decided further concerns the swimming pool. **Max Forbush** said there will be no property tax increase, but water rates will be increased because of capital costs. There will be a hearing at the second City Council meeting in July on this issue. The Council discussed having an open house pertaining to the new City Hall, and **Cory Ritz** suggested having a booth at Festival Days.

(Agenda Item #7): Public Hearing: Pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, to receive input from the public with respect to (a) the issuance of the City's General Obligation Bonds, Series 2009 (with such other Series of Title designation as determined by the City), which are to be issued for the purpose of (i) financing a portion of the costs of acquiring land and constructing, expending, renovating, equipping and/or furnishing City offices and related improvements, and (ii) paying issuance expenses to be incurred in connection with the issuance and sale of the Series 2009 Bond; and (b) any potential economic impact that the improvements financed with the proceeds of the Series 2009 Bonds may have on the private sector.

Rick Dutson suggested that this item be kept brief since it has already been approved. **Max Forbush** advised that it be stated in the hearing that the General Obligation issue is for \$1.25 million, which is the last third of the \$3.75 million authority approved by the voters in 2006.

(Agenda Item #9): Public Hearing: Consideration of Ordinance amending the Master Transportation Plan for Farmington City.

Rick Dutson reported that many emails on this matter have been received. He said that there was about an even split of residents for and against the Ordinance at the Planning Commission meeting, but the emails were disproportionately against the Master Transportation Plan as drafted. (*See Clarifying Statement on page 20.*) **Max Forbush** said the Utah Department of Transportation is waiting for the City to adopt this ordinance. He said the City has advocated the west side alignment for several years. The EIS will be started soon, and whatever action is taken tonight may impact what they do. **Mr. Dutson** said that Engineer Tim Taylor has recommended that the City be specific in its recommendation to UDOT to go no further north than Glover Lane, and further south wherever possible.

Cory Ritz reported on citizen concern with the number of potential interchanges, and that a negative perception exists on how the process has been handled by the City. He said an accurate account

of how the process proceeded needs to be clarified to citizens. **Rick Dutson** said the decision needs to be made according to what is right for Farmington, and not by the numbers of citizens for or against a particular alignment.

(Agenda Item #10): Public Hearing: Consideration of Plat Amendment approval pertaining to Lot 326 at Farmington Creek Estates.

Glenn Symes briefly reviewed this item. The property owners and the developers each have a parcel of land, which they want to exchange to give the resident a more useable piece of land in the back of the property.

(Agenda Item #12): Lease Agreement with Station Park CenterCal pertaining to lease of Old City Shop building located approximately 50 North 650 West (City is in process of acquiring this property).

Max Forbush said he has been in contact with UDOT, which has sent a contract allowing the City to lease the property until it can be bought. CenterCal would pay \$30,000 out of the \$47,000 annual debt service over twenty years. To control the property and its use, the City would lease to CenterCal for only a few years, with the City selling the building and most of the land to a company whose use would be appropriate to the area. The remaining acreage would be kept by the City for future space needs. **Mr. Forbush** distributed copies of an Addendum/Lease Option to the agreement by UDOT. He explained that CenterCal asks for two months free rent because they are spending money to make renovations. **Mr. Forbush** said he spoke with Craig Trottier of CenterCal and told him the City would give free rent to the end of July, with the provision that since the City owns the building, the agreement needs to be rewritten. The Council needs to authorize the Mayor to sign an agreement, subject to legal review. The insurance company will provide coverage.

(Agenda Item #13): Award of Street Maintenance/Resurfacing project Contract/Review of Bids.

Max Forbush recommended approval of the low bid, subject to the contractor signing a change order reducing project limits. All of Bid Schedule A projects will be done, but only some of Schedule B. **Mr. Forbush** reviewed details of some of the proposed projects. He said depending on priority, some projects may be added back in if possible.

Agenda Item #15): Miscellaneous

- **Miscellaneous items.**
- **Minute Motion adjourning to closed session, if necessary, for reasons permitted by law.**

Mr. Forbush reported that a closed session may be held at the Special City Council meeting on June 23rd.

Rick Dutson and **David Hale** will participate in the town hall meeting tomorrow night.

Keith Johnson distributed updated copies of the Police Building Budget and the “New City Offices” budget revenues and expenditures, and he reviewed these amounts. **Rick Dutson** said he received a call from EDA to attend a meeting, and **Mr. Johnson** said this would be discussed later.

Other Miscellaneous items were reviewed:

1. Special City Council meeting on June 23rd.
2. Committee meeting with Jerry Stevenson on June 23rd at 5:00 p.m.
3. Meeting regarding the restroom at the Farmington Ranches neighborhood park on June 24th at 5:00 p.m.
4. July 7th - Farmington Ranches meeting concerning parks. Pre-qualified bidders are needed ahead so that costs are known. The sprinkler system and concrete work will also be bid. Grading and paving can be tied in to the Trails with the street paving project.
5. A letter from John Sheets of the American Legion was received, requesting that closets be available in the community room of the new City Hall for storage purposes for groups that meet there. This was briefly discussed, and the matter will be put on the next Council agenda.
6. A letter was received from John Shuttleworth regarding architectural services on the Farmington Ranches Park restroom. **Mr. Forbush** said this is the same design as was built at Woodland Park, but with a change of details. The fees are \$6,200. **Mr. Forbush** said the City does not want to obtain another architect, although the HOA members want the costs challenged.
7. **Mr. Forbush** said the County will repair the stream channel on Kirk Small’s culvert on Height Creek. They want the City to pay for engineering services at a cost of \$11,000. **Mr. Forbush** does not think the City has that responsibility, but that the relationship with the County needs to be considered. The culinary water line may be justification. Staff recommends spending up to \$5,000 to \$6,000 on engineering.
8. A resident wants to allow swimming lessons to be taught in his pool and is asking that the conditional use permit fee be waived. The Council is concerned about a negative precedent and determined that whoever is sponsoring the swim lessons should pay the fee.

The meeting adjourned at 7:02 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Pro Tem Richard Dutson, Council Members David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, Finance Director Keith Johnson, City Planner David Petersen, Deputy City Recorder Holly Gadd, and Recording Secretary Kami Mahan. City Engineer Paul Hirst arrived later in the meeting. Mayor Scott Harbertson was not present.

Mayor Pro Tem Rick Dutson called the meeting to order at 7:06 p.m. **Sid Young** offered the invocation. The Pledge of Allegiance was led by **David Hale**.

Prior to the regular City Council meeting, the annual Municipal Building Authority and Redevelopment Agency meetings were held. The Council then convened to the regular meeting, which began at 7:16 p.m. **Rick Dutson** explained that there would be a revision of the order of Agenda Items, although the public hearing for the Transportation Master Plan would remain at 7:45 p.m. as noticed. Agenda Items were handled in the following order: #2, #10, #6, #7, #8, #9, #4, #5, #11, #13, #12, and #14.

APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #2)

The minutes of the City Council meeting held June 2, 2009, were reviewed during the work session.

Motion

Sid Young moved to approve the minutes of the meeting held June 2, 2009, with changes as noted. **David Hale** seconded the motion, which passed unanimously, with Council Members **Ritz, Hale, Young, Dutson,** and **Alder** voting in favor.

PLANNING COMMISSION REPORT (Agenda Item #3)

Chairman **John Bilton** reviewed the proceedings of the Planning Commission meeting held June 11, 2009. He reviewed the following items:

- The Planning Commission recommended approval of the Farmington City Master Transportation Plan, providing that a plan be used that will least impact Glover Lane residents, and to have the southernmost route possible.
- The request by Rodney Griffin to amend the Master Plan and associated Final Plat for the Nicholl's Nook PUD was tabled. Mr. Griffin wants the road to be private and was asked to return to work with City staff.
- The public hearing regarding Steve Ballantyne's request for a minor metes and bounds subdivision was continued.

- The Planning Commission approved Jerry Preston's request for the Final Plat for the Rice Farms Estates Phase 3 Subdivisions.

CONSIDERATION OF ORDINANCE AMENDING 8-1-107 PERTAINING TO THE CEMETERY PERPETUAL CARE FUND. (Agenda Item #4)

Max Forbush briefly reviewed this item, which was discussed during the work session.

Motion

Paula Alder moved to approve the Ordinance amending 8-1-107 pertaining to the Cemetery Perpetual Care Fund. **Cory Ritz** seconded the motion, which passed by a unanimous vote. Council Members **Alder**, **Young**, **Ritz**, and **Dutson** voted in favor of the motion. **David Hale** was out of the room when this vote was taken.

PUBLIC HEARING: CONSIDERATION OF A RESOLUTION AUTHORIZING REIMBURSEMENT FROM THE CITY'S PERPETUAL CARE FUND TO THE CITY'S GENERAL FUND FOR OPERATIONAL COSTS OF THE FARMINGTON CEMETERY. (Agenda Item #5)

The Council reviewed this matter during the work session.

Public Hearing

Rick Dutson opened the public hearing at 10:20 p.m. There were no public comments and the hearing was closed.

Motion

A motion was made by **Sid Young** to adopt the Resolution authorizing reimbursement from the City's Perpetual Care Fund to the City's General Fund for Operational costs of the Farmington Cemetery. **Paula Alder** seconded the motion, which passed by a unanimous vote. Council Members **Young**, **Alder**, **Ritz**, and **Dutson** all voted in favor. Councilman **Hale** was out of the room for this vote.

PUBLIC HEARING: CONSIDERATION OF A RESOLUTION AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2009; ADOPTING THE MUNICIPAL BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2010; ADOPTING A COMPENSATION SCHEDULE FOR CITY OFFICIALS AND EMPLOYEES; AND ADOPTING A PROPOSED PROPERTY TAX LEVY FOR FISCAL YEAR ENDING JUNE 30, 2010. (Agenda Item #6)

This item was introduced, and **Max Forbush** explained the City's budget process. He said the economy is down, which has affected all budgets. The current year budget was amended in January and 9% of expenditures were reduced. The budget from July 1, 2009 to June 30, 2010, is 5 ½ percent less than the 2008-2009 fiscal year amended budget. Initially there was concern about building permits, but 12-14 permits per month have been received in the last few months. However, declining sales tax revenues have affected the City and many capital projects have been put on hold. No new employees are being hired, and there has been a reduction in force. New seasonal hires for the Parks Department are down so some work may not be done.

Mr. Forbush reported that there will be no property tax increase, but that water rates will be increasing, which was announced in the City newsletter. He explained that this is due to an aging water system, water lines that need replacing, and the need to replace a culinary water reservoir. There are not sufficient funds in reserves to pay for these projects. A public hearing on the issue will be on the third Tuesday in July.

Mr. Forbush also said the City has been advised that impact fee increases are pending. He explained that this is evaluated every few years. There may be changes in the transportation capital facilities list, which will follow the Transportation Master Plan. Some capital projects are moving forward, such as the new City Hall. There is an agreement with the school district to purchase some of the City's land. Also, some money has been saved. The November 2007 bond election helped pay for the police, fire and City Hall construction. The City issued \$2.5 million dollars for these projects, which projects ought to be completed now while building costs are down. These buildings have been designed to last until buildout of the City. Currently the City is about 60% built out. The fire station remodel will also be in next year's budget.

Concerning the street resurfacing budget, **Mr. Forbush** noted that bids were good so a few more streets will be added to the list. Resurfacing will begin this summer.

Mr. Forbush explained that the City intends to buy back the old city shop. It was purchased, then acquired by UDOT for the Legacy Highway. The City will buy it back to control its use, will probably resell but may use it for a few years. Public Works yard space needs to be expanded, and purchasing this property may provide the additional acreage.

Mr. Forbush also noted that there will be no salary increases in the budget. Some out of state travel will be allowed, most is not.

Public Hearing

Mayor Pro Tem Rick Dutson opened the public hearing at 7:34 p.m. There were no comments, and the hearing was closed.

Mr. Dutson pointed out that other cities have had harsh cutbacks, which is not the case in Farmington. He commended the City Manager and Budget Director **Keith Johnson**, who has won awards for the City's management of money. He said they typically overestimate expenses and underestimate revenues. There have been no tax increases. However, the City is feeling the impact of the economy. **Mr. Dutson** asked **Keith Johnson** to make a note to authorize staff to implement a certified tax rate when the motion is made. **David Hale** noted that the new fire and police buildings are important, as they are more functional and provide greater public safety.

Motion

Sid Young made a motion to adopt the above Ordinance, amending the heading to include that the property tax levy will be adopted when available. The motion was seconded by **Cory Ritz**, and Council Members **Dutson, Hale, Young, Ritz**, and **Alder** voted unanimously in favor.

PUBLIC HEARING: PURSUANT TO THE PROVISIONS OF THE LOCAL GOVERNMENT BONDING ACT, TITLE 11, CHAPTER 14, UTAH CODE ANNOTATED 1953, TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO (A) THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS., SERIES 2009 (WITH SUCH OTHER SERIES OR TITLE DESIGNATION AS DETERMINED BY THE CITY), WHICH ARE TO BE ISSUED FOR THE PURPOSE OF (i) FINANCING A PORTION OF THE COSTS OF ACQUIRING LAND AND CONSTRUCTING, EXPENDING, RENOVATING, EQUIPPING AND/OR FURNISHING CITY OFFICES AND RELATED IMPROVEMENTS, AND (ii) PAYING ISSUANCE EXPENSES TO BE INCURRED IN CONNECTION WITH THE ISSUANCE AND SALE OF THE SERIES 2009 BOND; AND (b) ANY POTENTIAL ECONOMIC IMPACT THAT THE IMPROVEMENTS FINANCED WITH THE PROCEEDS OF THE SERIES 2009 BONDS MAY HAVE ON THE PRIVATE SECTOR. (Agenda Item #7)

Rick Dutson introduced this item, and **Max Forbush** said when the bond was approved, the voters were promised that property taxes would not be raised. The bond issue will be paid off by property tax revenues caused by new growth. There are \$1.25 million in obligation bonds. Also the City intends to issue \$849,000 in sales tax revenue. **Mr. Forbush** explained that when the police station was built, they were able to finance part of that cost with police impact fees (capital facilities budget). They built the police station with growth capacity for when additional officers will be hired in the future. This is justified because forty percent of the cost of the station can be paid for by capital facility impact fees paid by new residents. In the next 10 to 15 years in both residential and non-residential growth, those fees will be collected and the debt will be paid on \$849,000. The general obligation bonds will be repaid by property tax revenues from both current and future properties. Bonds will be retired with capital facilities impact fees over the next fifteen years.

Public Hearing

Rick Dutson opened the public hearing for both this and the next Agenda Item (#8) at 7:45 p.m. There were no comments, and the hearing was closed. No action was taken.

It was noted that bid costs on bond issuance came in at 4.27% on general obligation bonds, and 4.6% on sales tax bonds. There will be resolutions on July 7th to consider.

PUBLIC HEARING: PURSUANT TO THE PROVISIONS OF THE LOCAL GOVERNMENT BONDING ACT, TITLE 11, CHAPTER 13, UTAH CODE ANNOTATED 1953, TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO (a) THE ISSUANCE OF THE CITY'S SALES TAX REVENUE BONDS, SERIES 2009 (WITH SUCH OTHER SERIES OR TITLE DESIGNATION AS DETERMINED BY THE CITY), WHICH ARE TO BE ISSUED FOR THE PURPOSE OF (i) FINANCING A PORTION OF THE COSTS OF ACQUIRING LAND AND CONSTRUCTING, EXPANDING, RENOVATING, EQUIPPING AND/OR FURNISHING CITY OFFICES, A POLICE STATION AND RELATED IMPROVEMENTS, (ii) FUNDING A DEBT SERVICE RESERVE FUND, IF NECESSARY, AND (iii) PAYING COSTS OF ISSUANCE WITH RESPECT TO THE SERIES 2009 BONDS; AND (b) ANY POTENTIAL ECONOMIC IMPACT THAT THE IMPROVEMENTS FINANCED WITH THE PROCEEDS OF THE SERIES 2009 BONDS MAY HAVE ON THE PRIVATE SECTOR. (Agenda Item #8)

This matter was handled during the previous Agenda Item.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE AMENDING THE MASTER TRANSPORTATION PLAN FOR FARMINGTON CITY. (Agenda Item #9)

Rick Dutson introduced this matter and explained the guidelines for the public hearing. He turned the time over to independent traffic engineer **Tim Taylor**.

Mr. Taylor displayed an overhead presentation on the proposed Legacy connector, and he reviewed the following topics:

1. Purpose and background,
2. Phase I Highlights
3. Phase II Highlights
4. "North Legacy Connector" Update
5. West Davis Corridor Environmental Study
6. MTP Addendum Recommendations

The presentation is included as "Exhibit A" at the end of these minutes.

Public Hearing Opened

Rick Dutson opened the public hearing at 8:05 p.m.

Dana Hales, 1 North Buffalo Road, said he spoke on behalf of Greg and Chris Smith, and Shane and Jane Plummer. **Mr. Hales** said he is a real estate broker and has two homes which would be in the area of the proposed highway. He said there is a four-lot subdivision owned by the Plummers and others there, as well as a vacant lot. His first concern is the impact to the lives and families of those who have built or purchased homes in the area. He noted the necessity of having to disclose the proposed highway to potential buyers of these homes and the impact this would create. **Mr. Hales'** other concern is that lives are being put on hold. He relayed the situation of families who are planning to move but who face an uncertain situation. He said the Smiths and Plummers are in favor of Scenario 3 but are planning to move and are having to face uncertainty.

David Stringfellow, 28 Sharpshooter Court, said he has been a Farmington resident most of his life. He said decisions will have more of an impact on his and other children than on older residents. **Mr. Stringfellow** spoke about the challenge of traffic in trying to access Highway 89. He said not adopting this plan will mean transportation failure, which affects all City residents. He also said the role of analysis should carry a lot of weight in the decision because it was a careful, structured view of the future area. There are positives to the proposal, which include better traffic flow and I-15 access. He said this west and southern alignment is best for the future and will keep a cohesive city. He urges adoption of the proposal, and hopes those who oppose it will see the greater good.

Bruce Bassett, 1132 West Glover Lane, requested some additional time since he was representing 230 citizens who signed a petition opposing the plan. He said he is an engineer, and knows that data can sometimes support an agenda. He said Tim Taylor has been open and helpful. He said he asked for, but has not received, a copy of the report. **Mr. Bassett** displayed an overhead presentation entitled "South-West Resolution", which is a proposed revision of the corridor plan. He said UDOT officials have indicated that the City Council's decision and input will be given weight in UDOT's decision. He asked that the City represent the citizens' alternatives to UDOT, rather than having UDOT's alternatives proposed to the citizens. **Mr. Bassett** reviewed details of the coalition's Resolution, which included the following topics:

1. "West Davis Corridor - Farmington Input (East Approach, Middle Approach, West Approach)."
2. Push as far South and West as possible.
3. Transparency and Representation
4. Original Plan - Why not?
5. UDOT Study
6. Recommended Next Steps.

Mr. Bassett said they prefer Option #1, and he requested that time be allowed to collect more data and schedule another public hearing.

Karl Asay, 850 South, 650 West, said he moved to Farmington in 1972, and was the first one to buy a home along 650 West. He said at the first meeting regarding the Legacy Highway, a representative

from the federal board said the freeway and expressways would be a minimum of a half mile apart. The original plan was to come along the wetlands and follow the utility corridor. He asked what happens to money spent on Legacy from Glover to where it ends. He also asked how buses could pick up the neighborhood children for school. He noted a rumor that UDOT has bought the school property on Glover Lane, and questioned how this would work. He also said that Rocky Mountain Pipeline will not give up a 30-foot easement.

John Krascek, 1037 South 650 West, agrees with **Mr. Asay**. He said it doesn't make sense to take out homes when there is open land to the south.

Brett Anderson, 837 Country Lane, said he is part of the Southwestern Resolution. He asked that the route be as far west and south as possible. Concerning Option #1 traffic projections, he asked about the baseline from which projections are made. He said that economy and growth has slowed, which affects the viability of these estimates. He favors Option #1 and opposes Option #2.

Kyle Stowell, 1764 West Burke Lane, pointed out 950 North on the overhead map and said this is where a new crossing is proposed. He said UTA requires that two crossings be closed for every one that is opened. He said Tim Taylor felt another crossing was needed somewhere if Burke Lane is closed. **Mr. Stowell** said the residents along Burke Lane are opposed to keeping it open. He is surprised there have been no serious accidents in the area since it is a dangerous, narrow crossing. He wants the route to be as far south and west as possible. He said environmentalists will not pave over wetlands, and a compromise is needed.

Spencer Plummer, 37 North Buffalo Road, said he represents Buffalo Ranch. He doesn't think anyone is impacted more than they are. They have fifty employees and 300 acres, and bought four additional lots for expansion. One of the stakeholders is affected residentially and commercially. They have spent much time, energy, and money to determine where this is going, and have concluded that a northwest Legacy corridor will probably bisect Buffalo Ranch. As a family and as a business, they are in favor of the proposed option, but have a financial concern as to how this will affect their property, some of which they believe will be taken. He said they are significantly impacted, particularly in the south area. He wants to know how long the process will take and what valuations will be placed on their property.

Ben Barrus, 872 Country Lane, is concerned about unintended consequences. He said the West Davis Corridor area does not have the same landscaping restrictions as Legacy. He said the City Council should not approve of the proposal because this matter is not addressed. He urges that the matter be tabled. He has also heard that Legacy cannot be put too close to the railroad due to the possibility of exploding trains, which he said is highly unlikely and not a sufficient reason for not locating it there. He said he has spoken with a senior UDOT official who said that if money was not the biggest option, the route could be further east, but could be intrusive to the development there. **Mr. Barrus** noted that additional traffic going past development brings more money. He also said that those who have an interest

in this matter are out-of-town or out-of-state developers. A more easterly route means the western side streets can stay more tame. He asked the Council to table the proposal.

Jared Schetselaar, 1060 South 650 West, said he moved to the area because of the open space, which is destroyed if freeways are not kept on the freeway line. The location of the route affects both residents and non-residents who use the area. He said the City Council has control over density, which can be changed to fit the current system. He asked when UDOT can begin purchasing properties if this proposal is passed. If this is unknown, it should not be passed tonight. He is also concerned that the highway will come in much sooner than anticipated. He said the State needs to deal with the blockade, which it created. He said a decision does not need to be made right now, and that the State's study will take time. The corridor and open space should be left as already planned. He asked if the City would have the money to pay property owners what they are underpaid for their property. He wants the country setting left as it is.

Diana Moesinger, 517 Miller Way, said she has been told UDOT does what it wants. She said this transportation plan sends a strong statement to UDOT, and wants the City to consider west Farmington residents and their needs. She said west Farmington has an unusual inversion problem and wonders how the proposal affects this. She favors Option #1, but if this is not used, she wants the route as far west and south as possible to prevent destroying homes. She wants to maintain a farm way of life.

Peter Miller, 906 S. Country Lane, is highly opposed to the option on the west side of Farmington. He asked about putting the corridor along I-15, and whether an impact study has been done for the area north of Clark and Park Lanes. He said he just built a home a few months ago which he is afraid he may lose. He questions whether to put in a yard, and is disheartened.

George Chipman, 433 South 10 West, said his preferred alternative is near I-15. If this is not possible, he wants it as far west as possible. He recommends putting it further west of Buffalo Ranch on the old lake bed. There are environmental concerns, but the land is desolate and there is no standing water. This could serve as a dike if the lake rises. There would be minimal impact on lives and property and the environment.

Rene Krazik, 194 North Ironside, wanted clarification on whether Shepherd Lane needs access to I-15. If they are going to build an interchange at that location anyway, she questions whether that is a good location to tie into the Legacy Highway.

Darren Kimoto, 802 South Country Lane, believes that any area bisected by Legacy makes the whole area undesirable. He said the lifeblood in planning is the quality of life. The community is competing with others to attract residents. There is not much area to grow east, but residents and developers will not be attracted to the west if there is a freeway. He believes the issue is money and that the I-15 option will cost more. He said to plan the City for what is wanted and keep the qualities that make it what it is. If UDOT has to spend more, so be it. He said to let the State know what is wanted, and that it shouldn't be the City's burden to bail it out.

Jim Maxwell, 228 Ranch Road, said he recently moved here from Washington D.C., and is well aware of traffic issues. He has been house hunting in the area and has had a difficult time trying to get information about development plans for area. He proposes tabling the issue for now because questions remain unanswered. He asked whether the road will be quiet and non-impactful.

Cheryl Miller, 906 South Country Lane, said they are brand new residents. She said they moved from Woods Cross, where the City Council was changing zones from residential to industrial, and that residents were not listened to. She asks that the Legacy corridor be kept by the freeway, and that the Council take time with decisions.

Debbie Wong, 818 South Country Lane, said she moved to the area two years ago for the same reasons as others have stated. She understands roads are needed and has been a commuter. She said good planning avoids impacting people's lives. If Legacy goes in as proposed, it puts her within four houses of the highway. She is concerned about children who catch buses on Glover Lane, and about property values. She wants the highway by I-15. She said in other cities, lanes switch directions morning and evening, and that there are alternatives to increasing traffic in both directions. She said people are more important than birds. She doesn't want the quality of neighbors and life changed to protect that. Roads can be put over lowlands as is done in Florida. She wants it very far west if not on I-15. It is not fair to those people building, buying or selling to keep them on the hook. She asked that the Council not vote tonight.

Public Hearing Closed

Rick Dutson closed the public hearing at 9:23 p.m., and requested that **Tim Taylor** respond to the questions/issues raised.

Mr. Taylor said that there were several original UDOT plans, but the plans being referred to are the 2005 original plan, and the other is the continuation of Legacy Highway on the west side of I-15. UDOT's environmental process is actually a federal process which evaluates every alternative thoroughly. **Cory Ritz** asked about the accuracy of the model in view of changing economic and growth circumstances. **Mr. Taylor** said the model is based on zoning and density, and other variables not affected by growth.

Sid Young raised the issue of how potential failure would be considered in the environmental study process. **Mr. Taylor** said modeling alternatives are created from a traffic standpoint, and will consider things such as traffic volumes, transit demands, land uses. This applies to all options. Regarding freeways over swampland, he said that in the environmental impact process, UDOT is required by law to analyze all aspects of a road's impact, including such things as a city's commercial needs, property rights, pollution, and quality of life. The City will have the opportunity to do this with the environmental impact statement. It is a three to five year process of listening to input and doing a thorough analysis.

UDOT will build the least impactful alternative based on that project's purpose and need. **Mr. Taylor** also said the City's preferred corridor will weigh into UDOT's decision process.

The proposed "line of demarcation" was discussed. **Mr. Taylor** said Glover Lane needs to remain where it is to provide east-west access. He said mitigating the wetlands is not a viable alternative. UDOT's analysis may allow them to find a way to do this, but it must take place through the federal process. He noted that impact must be fact-based, not emotion-based.

Max Forbush explained that over several years and following many discussions with UDOT and citizens, and hearings, the Planning Commission and City Council promoted a westerly alignment. He said that vesting issues and development rights are very sensitive and expensive around the Station Park area and the commuter rail station. At one time Farmington tried to take the position with UDOT to bring Legacy into alignment underneath Park Lane, and making the Park Lane structure wide enough for Legacy to fit. With the coming of commuter rail, this alternative quickly closed. The City has pushed hard for the westerly alignment. He is concerned that if the City is too definitive on the route, that UDOT may return to the alternative of bisecting the City through the middle of west Farmington which the City has tried to prevent.

Council Members proposed wording that would request that the road run south of the homes on Glover Lane with as much buffer as possible. **Mr. Taylor** said at this point there is not yet a width or corridor or landscaping scheme, and this would be developed in the environmental process. He pointed out areas on the map that could possibly be affected by ramps in the future if the route went a little more southerly. He said there are trade-offs wherever it is put.

Sid Young asked whether it could be included to say that it is the City's preference that this is just a connection to Legacy to minimize the footprint of the intersection, as opposed to also being a connection to I-15. **Mr. Taylor** replied that based on their analysis, in order to accommodate the future traffic demands, a connector is needed to both Legacy and I-15 in this area. **Max Forbush** asked if it was possible to encourage UDOT to acquire property as soon as possible, in order to eliminate the problem of keeping affected west Farmington residents in limbo. **Mr. Taylor** said since UDOT has no preferred alternative they won't negotiate in purchasing or acquiring properties until adoption of the recommendations of the environmental study.

Tim Taylor went on to address other issues raised during the hearing. He said he believes UDOT's purchase of school property is only a rumor. The EIS process avoids the possibility of taking of people's homes. The dates of 2016 to 2025 on the UDOT website refers to the Wasatch Front's Regional Council's regional transportation plan regarding work on a corridor running from Farmington to Ogden. UDOT is maintaining that the Legacy connector is a long way out. In their understanding, at this point there is no plan and no funding available for this project. It is not on the transportation improvement program for the next six years minimum. There is a three to five year environmental process that will take place starting this fall, and he encourages everyone to share their concerns as part of that process.

Paula Alder asked **Mr. Taylor** to address why any decision should be made now. **Mr. Taylor** explained that the City does not control the corridor, but does control all other improvements shown on the map, which affects the need to update transportation impact fees. Capital facilities plans have to be updated, and how this is paid for needs to be determined. The plan must be adopted in order to accomplish these things. **Max Forbush** agreed, and expressed concern with the development rights of developers along I-15. He said this could affect the City's liability exposure. **Rick Dutson** added that he has talked with developers that have properties adjacent to I-15, who have indicated that the I-15 option would not be beneficial, and that there would be serious repercussions to the City if it pursued that option. He said he was informed that development would have a radically different feel if it was covered by a highway structure. Tenants' and developers' investments are in the millions. They are hoping to open in spring of 2011. He said a lawsuit on this matter where the City is not successful could bankrupt the City.

In response to a question by **Paula Alder**, **Tim Taylor** said there would be an elevated structure over Park Lane, and there is inadequate space to reach the right elevation without significantly disrupting that area.

Regarding unintended consequences, **Mr. Taylor** said this is what the EIS study is for. The detailed information needed is three to five years out. Without showing some type of alignment, they won't be able to say what kind of roads will be in there, and the City can't move forward with the capital facilities plan process. Without this facility, the west side streets will look the same with a small exception. Glover Lane needs improvements regardless of whether this facility comes in. Other recommendations on the west side would be the same, with or without this facility.

Mr. Taylor said the option of putting the facility between Burke Lane and Park Lane was considered, but the area is not as empty as it appears on the map. The ability to tie into I-15 is an important issue. Regarding Park Lane being a blockade, he believes UDOT wants the interchange gone. The westerly route is not ideal, but it is the best. **Rick Dutson** noted that Davis County is in the middle of an hourglass, and all traffic has to go through this area.

Regarding tying in Legacy to Shepard Lane, **Mr. Taylor** said at one time an interchange here was an option, but not a preferred option. He said a significant concern was expressed by the residents on Shepard Lane, so the current plan was proposed as an alternative.

The Council discussed what past options were proposed. **Mr. Taylor** clarified that the four options UDOT evaluated did not have an option on I-15. There were some collector distributors, but it wasn't for both facilities.

Concerning landscaping, **Mr. Taylor** said this would be determined as part of the environmental study. **Paula Alder** said it was important to express this wish. **Mr. Taylor** suggested that those interested in the development plans look at the general zoning information, which is online. He also said that the issue of weather inversions would be considered in the study.

Cory Ritz noted that UDOT has said in the past that when they do the environmental impact study, all options will be explored, including the original Option #1. **Mr. Taylor** verified that this was the case.

Regarding changing existing zoning to lower densities to accommodate citizens, **Rick Dutson** said there are options to go to higher densities, but legal problems can result from zoning to lower densities. Developers see this as a governmental taking of their rights and property.

With regard to UTA and crossings on Burke Lane, **Mr. Taylor** said UTA generally requires the closing of two crossings when another is created. Their model shows a need for an additional crossing between the north extension and Park Lane. It would be a simpler process to deal with the existing crossing than creating a brand new one. There would be significant intersection improvements to make it safer.

Rick Dutson asked **Tim Taylor** if he had heard anything during the evening that made him think the decision should be delayed. **Mr. Taylor** responded that he didn't believe there was, other than a modification on the demarcation line. He said if the demarcation line was removed altogether, every west side resident would be worried.

Sid Young noted that this has been a long, painstaking process, and he hoped the citizens know they have been, and will continue to be, listened to. He said any route has impact, but they are looking for the one with the least impact. **Cory Ritz** explained that when UDOT originally approached the City with its preferred alternative, which was to place the route on the D&RG, the City and residents were against this, the Planning Commission voted against it, and the request was withdrawn. **Mr. Ritz** relayed his experience of testifying at a senate subcommittee hearing for Senator Stowell. He said at the hearing it was apparent that it was believed that Farmington had a NIMBY (not in my backyard) attitude of cooperation. His testimony was that the corridor has to go through the City, and we want UDOT to cooperate by finding the least impactful route. He said that since this time, in meetings with the Mayor, the City Manager, and City Council Members, that UDOT has been listening, and will consider a plan the City considers least impactful. A reasonable alternative that won't backfire is necessary. The Master Transportation Plan is trying to give UDOT something to work with. He said there will be impact from any route, but this is the least impactful.

Rick Dutson thanked **Tim Taylor** for being honest and forthright, and commended the audience for its decorum. He said these are difficult issues that affect people's homes, properties, futures and emotions. **Mr. Dutson** said his opinion has developed over the last few years. He does not like the D&RG route, and wants the furthest westerly route for the Legacy connector, which is least impactful to the City, recommended as the City's preferred alternative. He wants the plan to be modified on the map to cross hatch everything to the west and south as viable options, preferring nothing north or east of those lines. He wants the City to go on record that it is highly sensitive to the homes in the area, and wants Legacy routed around those homes.

Motion

David Hale moved to approve the Ordinance amending the Master Transportation Plan for Farmington City; that the City's preferred route for the proposed Legacy connector be as far west and south as possible; that the route be the least impactful to the City; that the plan be modified to include everything to the west and south as viable options, preferring nothing north or east of those lines; and that the City express to UDOT that it is highly sensitive to the homes in the area and wants Legacy routed around those homes.

Paula Alder seconded the motion. **Cory Ritz** said he wants to wait to give approval until the modified text and diagrams can be reviewed. The Council discussed the motion. A roll call vote was taken, and the motion passed by a vote of 4-1. Council Members **Alder, Dutson, Hale, and Young** voted in favor. Councilman **Ritz** voted nay. Mr. Ritz noted his "nay" vote was his desire to see the changes in the Master Transportation Plan first, but he agreed with the decision. *(See Clarifying Statement on page 20.)*

PUBLIC HEARING: CONSIDERATION OF PLAT AMENDMENT APPROVAL PERTAINING TO LOT 326 AT FARMINGTON CREEK ESTATES. (Agenda Item #10)

Glenn Symes explained that the applicant wants to exchange two equal size properties. The property in front will be designated open space, and the one to the rear will be used privately. No new lot will be created.

Public Hearing

Rick Dutson opened the public hearing at 7:26 p.m.. There were no comments, and the hearing was closed.

Motion

Paula Alder moved to approve the Plat Amendment. **Dave Hale** seconded the motion, which passed by a unanimous vote. Council Members **Hale, Ritz, Young, Dutson, and Ritz** all voted in favor.

Cory Ritz noted the misspelling of the Kimoto name on the addendum.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #11)

- **Ratification of approvals of Construction Bond Agreements.**

_____ There was no discussion on this item.

Motion

Sid Young moved to approve the Summary Action list. The motion was seconded by **Paula Alder**, and passed unanimously, with Council Members **Young, Ritz, Dutson**, and **Alder** voting in the affirmative. Councilman **Hale** was out of the room and did not vote.

LEASE AGREEMENT WITH STATION PARK CENTERCAL PERTAINING TO LEASE OF OLD CITY SHOP BUILDING LOCATED APPROXIMATELY 50 NORTH 650 WEST (CITY IS IN PROCESS OF ACQUIRING THIS PROPERTY. (Agenda Item #12)

Max Forbush said approval of this lease will not preclude the City from doing things differently if the budget unexpectedly improves. He explained that there appears to be an agreement with UDOT, where they will lease the shop built in 1996 to the City (they bought it and now we are buying it back), with the specific goal of either using or selling it in the future. Because the City has a party who wants to lease the building immediately, UDOT is willing to lease it to the City at no cost from now until the closing in July 2009. The City has arranged for financing to buy the building. The debt service will be paid largely by CenterCal's lease for at least one year, with an option to extend another couple of years. The agreement between the City and CenterCal means they would get free rent for roughly 45 days. **Mr. Forbush** reviewed the motion as recommended by legal counsel.

Paula Alder made a motion that was seconded and approved, but after further discussion by the Council, the motion was rescinded. **Max Forbush** recommended that a motion concerning CenterCal's request for a \$10,000 credit for tenant improvements be handled first.

Motion

David Hale made a motion that the City not pay for building improvements, but rather allow CenterCal free rent in lieu of reimbursing improvements. **Sid Young** seconded the motion, which was unanimously approved. Council Members **Alder, Dutson, Hale, Young**, and **Ritz** all voted in favor.

Paula Alder's original motion was then reinstated.

Motion

Paula Alder moved to authorize the Mayor to sign a similar lease agreement, subject to legal review by the City attorney, with conditions as written in the agreement. **Cory Ritz** seconded the motion, which passed by a unanimous vote. Council Members **Young, Ritz, Hale, Alder**, and **Dutson** voted in favor.

AWARD OF STREET MAINTENANCE/RESURFACING PROJECT CONTRACT/REVIEW OF BIDS. (Agenda Item #13)

Max Forbush said the City's recommendation is to award the bid to Kilgore Paving, and he gave

recommendations as to the motion.

Motion

Paula Alder moved to award the Street Maintenance/Resurfacing Project to Kilgore Paving, subject to a change order being written reducing the scope of the project to within budget. **David Hale** seconded the motion, which was unanimously approved. Council Members **Hale, Ritz, Young, Dutson,** and **Alder** voted in favor.

GOVERNING BODY REPORTS (Agenda Item #14)

Paula Alder asked about details for the Council's participation in the parade for Festival Days. It was clarified that the Council will be riding on Steve Andersen's fire truck. **Ms. Alder** will purchase candy for distribution.

Sid Young reported on issues from the League of Cities and Towns. A state-initiated gasoline tax is being considered, but the State is not willing to share with municipalities. He also reported that a backpack school tax is being considered so school districts receive the same revenue across the board based on the number of children in that district. He said he told the City Manager that if the City has an RDA, to make sure depreciation is considered in the distribution. This matter will be dealt with at a later date. **Mr. Young** also reported that there is a \$78 million dollar shortfall in the Utah retirement system, and they will either pay the benefits, or increase the time to qualify for the benefits. He also said the City needs to be cognizant of GRAMA and transparency issues.

Rick Dutson reported on illegal parking in the red zones at soccer games at Heritage Park. He also reported on overgrown weeds on a vacant lot near the Summerwood subdivision. **Mr. Dutson** suggested to **Paula Alder** that a presentation concerning the new city offices be done during Festival Days. **Sid Young** suggested having an antique car show to go along with the car logo on Festival Days T-shirts. **Rick Dutson** reported that he attended an open house for the Farmington Historical Clark District. One of the concerns raised there was whether the ordinance would enforce the restoration of a property. The Council briefly discussed the issue.

There was a short discussion on recycling.

Rick Dutson said he would sign documents following adjournment.

MISCELLANEOUS Agenda Item #15)

- **Miscellaneous items.**
- **Minute Motion adjourning to closed session, if necessary, for reasons permitted by law.**

Miscellaneous items were reviewed by **Max Forbush** during the work session.

ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #16)

No items were discussed.

ADJOURNMENT

Sid Young moved to adjourn. **Rick Dutson** seconded the motion, and the meeting adjourned at 10:44 p.m.

Holly Gadd, Deputy City Recorder
Farmington City

CLARIFYING STATEMENTS

Upon review and approval of the minutes of the City Council meeting held June 16, 2009, the following clarifying statement was made by Council Member Rick Dutson to be added to Agenda item #9 on page 2. The second sentence under this agenda item was clarified to read as follows:

Rick Dutson reported that many emails on this matter have been received . He said that there was about an even split of residents for and against the Ordinance *at the Planning Commission meeting, but the emails were disproportionately against the Master Transportation Plan as drafted.*

On the Public Hearing Agenda #9, on page 17: “Consideration of Ordinance Amending the Master Transportation Plan for Farmington City” the following sentence be added to the end of the second paragraph.

Mr. Ritz noted his “nay” vote was his desire to see the changes in the Master Transportation Plan first, but he agreed with the decision.

(Italics denotes added/changed verbage.)

I hereby certify that the above changes are the ones approved for the City Council meeting minutes of June 16, 2009.

DATED this 9th day of July, 2009.

Margy L. Lomax
City Recorder